7th Councilmanic District * Case No. 94-109-A

Domenick Filleti, et ux Petitioners

> FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance for that property located at 7815 Seaside Road in the Dundalk section of Baltimore County. The Petitioners herein request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 20 ft. in lieu of the required 15 ft, for a proposed garage, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this and day of October, 1993 that the Petition for a Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 20 ft., in lieu of the required 15 ft, for a proposed garage, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. There shall be no service garage work performed within the structure or on the subject property at any time.

RECEIVED FOR F

ORDER Date

3. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion

4. The Petitioners shall not allow or cause the accessory structure to be converted to a second contain no living or sleeping quarters, and no kitchen or bathroom facilities.

6. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

> Zoning Commissioner for Baltimore County

LES/mmn

of their review of this matter.

dwelling unit and/or apartment. The garage shall

5. The property is limited to two structures; i.e., one house and one garage.

Zoning Commissioner

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

October 20, 1993

Mr. and Mrs. Domenick W. Filleti 7815 Seaside Road Baltimore, Maryland 21222

> RE: Petition for Administrative Zoning Variance Case No. 94-109-A

> > Property: 7815 Seaside Road

Dear Mr. and Mrs. Filleti:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 18/5 SEASIDE RD. which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 To permit a height of 20 ft for a proposed garage in lieu of the required 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) My includes including my motor hand, work, core, nuclei and book how been Vundalized. Residue from nearly Bethlehen Stel and B & From Plant one nad nother fines on on Vehicles on order to protect my vehicles from ensuremental and social districtive secure garages are necessary The hight is significant to accommodate the size of the vielviclus

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			(/We do solemnity declare and amm, under the persease of persons, that the are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee			Legal Owner(s)
			DOMENICK WILLIAM FILLETI
Type or Print Name)			(Type or Print Name)
			Type or Print Name) Lonneng William Filtel.
Signature			Signature
			MARY Elizubeth Filleli
Address			(Type or Print Name)
			Mois Elizabeth Filleth Signature
Caty	State	Zipcode	Signature
Attorney for Petitioner			7815 Seaside Road 284-0979 Baltimore md 21200
(Type or Print Name)			Address Phone No
			Baltimore ma 21200
			City State Zipcorte Name, Address and phone number of representative to be contacted
Gugrinichre			
			Domenick William Filleti
Andrea	Phone No		7815 Seq 51 de Pd. 284-6974 Address Phone No
	- Chain	Zincorta	Phone No

A Public Hearing having been requested and/or found to be required, it is ordered, by the Loning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing odvertised, as required by the Zoning Regulations at Bottimore County, in two newspapers of general

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 78/5 SeaSide Road

Bultimore Md 21932 That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

I am a resident of Dundart in Balo. There has been an encrease in Crime within the post few morello, my/eticles incheding my matter home trada, consund trucke were vandalized En order to protect my vehicles from ouch distruction garages are needed. They are the rught is significant in order to accomparate the sign of the reproles . Turthermon my residence is located near Bedlylon Stul and the BG: Eponer plant, Residue from these plants are hopodous to bodies yet Kericles afactine I was usued a check from BG; E power plant to row my achieles pressuring closed about to the sort functo plant Therefore because up the present enveronment and social sutuation secure apparent my only answer.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

Variance at the above address: (indicate hardship or practical difficulty)

DESCRIPTION OF ZONEING:

7815 Seaside Boad Description Begining at the point on the south side of Seaside Road 1200'+- East from the centerline of Dunmanway Road.

Thence; North 64Dg 38'w_ 130' South 25pg 22'w 312' South 44Dg 22'E 138' 7"

> North 25Dg 22' E 360' To the place of Begining containing one acre; The Improvement there on being known as # 7815 Seaside Road.

> > ITEM#115

94-109-A

Domonist & Mary Fill eti Location of property: 7715 See S. S. Re. S/S 1700 E/Orange Non of Box For ing 400 dway 2 1100 -11 burg 20 3-6

Baltimore County Zening Administration & Development Management 111 West Chesapoule Avenue Towns, Maryland 21201	1000ipi
-23	115 DT
SEASIDE PD.	R.T.
D. MD EIEEZ	
10 - VARIANCE - \$ 50 0	
70 - SIEN - # 3500	

TOTAL - \$ 050

October 4, 1993

(410) 887-3353

Mr. and Mrs. Domenick W. Filletti 7815 Seaside Road Baltimore, Maryland 21222

111 West Chesapeake Avenue

Towson, MD 21204

RE: Case No. 94-109-A, Item No. 115 Petitioner: Domenick W. Filletti, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Filletti:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

Re: Baltimore County

MS, CHARLOTTE MINTON Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Toward Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

for John Contestabile, Chief Engineering Access Permits

My telephone number is Teletypewriter for Impaired Hearing or Speech
383-7555 Baitimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Caivert St., Baitimore, Maryland 21203-0717 BALTINORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 20, 1993

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 110, 112, 114 and 115.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL: lw

ZAC.110/PZONE/ZAC1

8808-43

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold E. Jablon, Director Office of Zoning Administration and Development Management

DATE: October 27, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 115 Filleti Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7815 Seaside Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Dominick Filleti

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.3 of the Baltimore County Zoning Regulations to permit "a height of 20 feet for a proposed garage in lieu of the required 15 feet".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.



ZADM

Mr. Arnold E. Jablon October 27, 1993 Page 2

REGULATIONS AND FINDINGS

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" < Baltimore County Code Section 26-449(a)

Finding: This property is adjacent to Bullneck Creek. The proposed garage is located more than 100 feet from the mean high tide line. Therefore this project is in compliance with the above regulation.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

<u>Finding:</u> No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment* <Baltimore County Code Section 26-452(a)>.

<u>Finding:</u> In order to comply with the above regulation, rooftop runoff shall be directed across the lawn. This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

Mr. Arnold E. Jablon October 27, 1993

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

> Deparkment of Environmental Protection and Resource Management

JJD: NSP: tam

cc: Mr. and Mrs. Dominick Filleti

SEASIDE/DEPRM/WOCBCA

Baltimore County Government

SEPTEMBER 28, 1993

(410) 887-3610

Department of Permits and Licenses

ZONING AGENDA - Formal or Informal Response Due September 27, 1993

RE: Property Owner: William Lee Gaines and Emma V. Gaines

RE: Property Owner: Mitcherling and Mitcherling, D.D.S., P.A.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road

in accordance with Baltimore County Standards as published by the

5. The buildings and structures existing or proposed on the site

shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code",

RE: Property Owner: Stanley G. Souranis and Annette N. Souranis

RE: Property Owner: Domenick William Filleti and Mary Elizabeth

RE: Property Owner: Frederick J. Burgesen and Michelle & Burgesen

111 West Chesapeake Avenue

Zoning Administration and

Baltimore County Office Building

Item No.: *109 (RT)

RE: Property Owner: Alice Trent

Item No.: *110 (RT)

Item No.: 111 (WCR)

RE: Property Owner: Park School

Location: Park School

Item No.: + 112 (WCR)

Location: #9 Compass Road

Location: #1414 Shore Poad

Department of Public Works.

1991 Edition prior to occupancy.

Filleti

Location: #1405 Mt. Airy Road

Location: #7815 Seaside Road

Item No.: *114 (JLL)

Item No.: *115 (RT)

No Comments.

No Comments.

Printed with Saybeen Int. on Recycled Paper

Location: #1610 Ruxton Poad

Development Management

No Comments.

No Comments.

No Comments.

Towson, MD 21204

Arnold Jablon

Towson, MD 21204

Director

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

Mr. and Mrs. Domenick W. Filetti 7815 Seaside Road Baltimore, Maryland 21222

> RE: Property: 7815 Seaside Road -Case No. 94-109-A Petition for Administrative Variance

Dear Mr. and Mrs. Filetti:

I have been referred your Petition for Administrative Variance in the above captioned case for review and evaluation. You, therein, request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 20 ft. for a proposed garage in lieu of the required 15 ft. As required under law, the property has been posted with notice of your Petition. No request for public hearing has been received from any interested neighbor and, thus, the matter is ready for disposition.

Before rendering a decision on your Petition, several issues should be addressed relating to the relief requested. First, I note that this is a waterfront property which abuts Bullneck Creek. As such, the property lies within the Chesapeake Bay Critical Area. To date, I have not received any information from Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) regarding their evaluation of this project. All Petitions for Variance must be reviewed by DEPRM to ensure compliance with the Chesapeake Bay Critical Area regulations. Kindly adwise whether DEPRM has, in fact, reviewed and evaluated your Petition.

Also, you are seeking relief to construct an accessory structure (garage) on the property. An accessory structure is defined in the B.C.Z.R. as a structure which is subordinate in area, extent, or purpose to the principal use or structure on site. A review of the site plan submitted indicates that the proposed garage is substantial in size. It is "L" shaped and measures 26 x 36 ft. at the base and 40 ft. x 28 ft. within the stem. Dimensions for the existing house are not provided, however, it appears that the proposed garage may be in excess of the square footage of the dwelling. Under these circumstances, kindly advise of the proposed use

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

October 15, 1993

(410) 887-4386

Baltimore County Government Office of Joning Administration and Development Management

H1 West Chesapeake Avenue
Towson, MD (2120)

(410) 887-3353

SEPTEMBER 16, 1943

NOTICE OF CASE NUMBER ASSIGNMENT

No: Amenick and Mary Filleti 7819 Seaside Road Raltimore, Maryland 21222

Re: CASE NUMBER: 94-109 A (Item 115)
7815 Seadside Road
S/S Seaside Road, 17905 + - E of o l Dummanway Road

12th Election District - 7th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 27, 1993. The closing date (October 12, 1993) is the deadline for a neighbor to tile a formal request for a public hearing. After the closing date, the file will be reviewed by the Coning or Deputy Coning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Japion

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BEGINNING for the same at a point in a line drawn parallel with and distant 15 feet Southwesterly measured at a right angles from the Southwest side of the right of way of the Patapsco Neck Branch of the Baltimore and Ohio Railroad distant 1347 feet Northwesterly from the intersection of said line with the Northwest side of Chesterwood Road 16 feet wide and running thence binding on said line and the Southwest side of a Roadway 15 feet wide now laid out North 64 degrees 38 feet West 130 feet; thence South 25 degrees 22 feet West 312 feet to the shoreline of Bull Neck Creek, a branch of Bear Creek; thence binding on said shoreline South 44 degrees 22 feet East 138 feet 7 inches, and thence North ₹25 degrees 22 feet East 360 feet to the place of beginning. Containing one (1) acre, more or less. The improvements thereon being known as No. 7815 Seaside Road, formerly known as No. 478 Stansbury Road.

Savings and Excepting the properties described in the following Deeds:

1. Deed from Jacob Sofinowski, Jr. and Ruth Eva Sofinowski, his wife, unto Rudolph Siewicki and Olga Siewicki, his wife, dated April 20, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1450, folio 480, etc.

2. Two lots of ground described in a Deed from Emmett E. Pyle, Jr. and Doris A. Pyle, his wife to the Baltimore County Revenue Authority, dated December 21, 1959, and recorded among the aforesaid Land Records in Liber W.J.R. No. 3644, folio 421, etc.

TOGETHER with the right to use in common with others entitled thereto of a roadway 15 feet wide the centerline of which is described in the aforesaid Deed from William G. Lynch, and wife, to Jacob Sofinowski, Jr. and Ruth Eva Sofinowski, his wife. The said roadway having been widened to 30 feet by Agreement dated June 20, 1945, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1393, folio 21, etc. by and between William G. Lynch and wife, Jacob Sofinowski and wife, Margaret A. McCourt and Bernard J. McCourt.

ALSO BEING subject to the legal operation and effect of the restrictions and/or easements of record, if any.

BEING the same lot of ground described in a Deed September 8, 1966 and recorded among the Land Records of Baltimore County September 9, 1966 at 12:25 p.m. in Liber O.T.G. No. 4669, folio 570 from Emmett E. Pyle and Doris A. Pyle, his wife to Carmine Filleti and Elaine Filleti, his wife, in fee simple.













